

7 November 2023

The Registrar  
Mergers and Acquisitions  
Commerce Commission  
PO Box 2351  
Wellington

By email: [registrar@comcom.govt.nz](mailto:registrar@comcom.govt.nz)

Dear Registrar

### **Clarification points on Statement of Preliminary Issues – CONFIDENTIAL VERSION**

- 1 We act for Sealord Group Limited (**Sealord**) and submit this response to provide additional context that might assist the Commission assess the points it raises in its Statement of Preliminary Issues relating to Sealord's application for clearance pursuant to section 66(1) of the Commerce Act 1986 dated 19 September 2023 (**clearance application**).
- 2 The points in respect of which Sealord wishes to provide additional information fall under the following headings:
  - 2.1 Deepwater harvesting services;
  - 2.2 Primary processing services; and
  - 2.3 Secondary processing services.
- 3 We have used terms defined in the clearance application.
- 4 Information in [ ] and yellow highlighting is commercially confidential to Sealord and its release would cause commercial prejudice to Sealord and potentially other parties mentioned. Sealord seeks that the Commission keeps this information confidential for the reasons set out in the clearance application for keeping similar information confidential. We have provided a public version of this letter in case the Commission wishes to make that publicly available.

### **Deepwater harvesting services**

- 5 In relation to the supply of deepwater harvesting services, Sealord can confirm that it has not provided such services to market participants in the past three years and has no plans to do so in the future.
- 6 Sealord is also not aware of IFL providing any such services at any time. Accordingly, there is no overlap between the parties for the provision of these services.
- 7 As stated in the clearance application, Sealord purchases only a limited amount of contract harvesting services from other parties: see paragraph 13.10 of the clearance application. Sealord [ ].
- 8 [ ].
- 9 [ ].

### **Primary processing services**

- 10 Sealord did not specifically address this issue in the clearance application and confirms it has provided primary processing services [1].
- 11 Sealord confirms that IFL does not provide contract processing services (rather IFL itself uses toll processing plants based in Shandong Province, China). The acquisition is therefore not capable of substantially lessening competition in any primary processing market.

### **Secondary processing services**

- 12 Sealord wishes to inform the Commission that it has also not carried out secondary processing for third parties in the last three years. As set out above, IFL does not have secondary processing facilities in New Zealand and does not carry out secondary processing for third parties.

Yours sincerely

**Nick Crang**  
Partner

d +64 4 471 9440  
m +64 21 616 884  
nick.crang@duncancotterill.com